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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 XOCHI F. ROSE,

11 Plaintiff,

12 v.

13 STATE OF HAWAII, et al.,

14 Defendants.
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Case No. C17-1899RSM

ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION

16 This matter comes before the Court on Plaintiff's Motion to Request Preliminary
17 Injunction. Dkt. #25. No Defendant has appeared in this matter. Plaintiff has incorrectly noted
18 this Motion for consideration on "April 03, 2016," in her caption and April 3, 2018, in the
19 Court's CM/ECF system. Under this Court's Local Rules, Motions for Preliminary Injunction
20 are to be noted for consideration "no earlier than the fourth Friday after filing and service of the
21 motion." LCR 7(d)(3). Therefore, the correct noting date would be no earlier than April 27,
22 2018. In any event, the Court has determined that it can rule on this Motion without any
23 response from Defendants.
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25 Plaintiff seeks an Order which: a) compels the Defendants to immediately restore her
26 subcontractor licenses in the State of Hawaii, b) compels the Defendant to provide her a
27 monthly stipend of \$17,000 "for personal, legal, corporate, and campaign use;" c) waives the
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1 “nerve center” test for diversity of citizenship so that she may obtain residences in both Hawaii
2 and Washington State; and d) compels the Defendants to disclose certain discovery requests.
3 Dkt. #25 at 2. Plaintiff justifies these requests by arguing that her business is “globally
4 unique;” that she is “a unique individual person,” “irreplaceable,” and “priceless;” and because
5 she “cannot pursue her business interests or her political agenda due to her current limited
6 financial situation. . . . caused directly by the actions of the Defendants.” *Id.* at 1. Plaintiff
7 states, without further explanation, that “[d]ue to the uniqueness of this case, the Plaintiff is
8 unable to quantify amounts of actual, punitive, and exemplary damages.” *Id.* Plaintiff provides
9 no further factual detail, and her Motion contains no citations to evidence or law.
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11 To obtain a preliminary injunction, the moving party must show (1) she is likely to
12 succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary
13 relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest.
14 *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24-25, 129 S. Ct. 365, 172 L. Ed. 2d 249
15 (2008).
16

17 As an initial matter, this Motion is premature given that Defendants have yet to appear,
18 and the Court rarely grants this type of relief without notice to Defendants and an opportunity
19 to be heard. *See* LCR 65(b).
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21 Plaintiff’s Motion is frivolous on its face. She does not discuss the merits of her case,
22 instead simply demanding the Court, based on her uniqueness, grant now the relief she is
23 seeking in this action. Plaintiff has therefore failed to show she is likely to succeed on the
24 merits. The Court is not convinced Plaintiff could suffer irreparable harm in the absence of
25 preliminary relief, as her Complaint states her injuries are financial losses that can be recovered
26 should she prove successful in this action. *See* Dkt. #4 at 7. The other forms of relief she
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1 requests now are plainly frivolous, premature, or unsupported by the law. The Court notes that
2 Plaintiff's discovery request is premature given that Defendants have not appeared and the
3 parties have not conducted the Rule 26(f) conference.

4 Having reviewed Plaintiff's Motion and the remainder of the record, the Court hereby
5 finds and ORDERS:
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- 7 1) Plaintiff's Motion to Request Preliminary Injunction (Dkt. #25) is DENIED.
- 8 2) Plaintiff shall file no further motions related to discovery until after Defendants
9 have appeared and after the required Rule 26(f) conference.
- 10 3) The Clerk shall mail a copy of this Order to Plaintiff via U.S. Mail.
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13 DATED this 3 day of April, 2018.

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16 RICARDO S. MARTINEZ
17 CHIEF UNITED STATES DISTRICT JUDGE
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